

### **TITLE 3: HEALTH AND SANITATION AND ANIMAL REGULATIONS**

#### **DIVISION 1: ADMINISTRATION AND GENERAL REGULATIONS**

##### **Chapter 7: Emergency Medical Service (EMS) Aircraft.**

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###### **31.071 Definitions.**

Unless otherwise stated, words and terms are defined as follows:

(a) **Advanced Life Support (ALS).** Any definitive prehospital emergency medical care role approved by the local (EMS) Agency, in accordance with state regulations, which includes but is not limited to all of the specialized care services listed in §1797.52 of the Health and Safety Code of the State of California.

(b) **Advanced Life Support (ALS) Rescue Aircraft.** A rescue aircraft whose medical flight crew has at a minimum two (2) medical attendants on the aircraft, one of which will be ALS qualified; the other to be at least EMT-A qualified.

(c) **Air Ambulance.** Any aircraft specially constructed, modified or equipped, or used for the primary purposes of responding to emergency calls and transporting critically ill or injured patients whose medical flight crew has a minimum of two (2) ALS certified attendants.

(d) **Air Ambulance or Air Rescue Service Provider.** The individual or group that owns and/or operates an Air Ambulance or Air Rescue Service. It is not permissible for a provider in these categories to respond to the scene and utilize prehospital personnel on the scene in order to fulfill required staffing patterns.

(e) **Air Ambulance Service.** An air transportation service that utilizes air ambulances and provides continuous twenty-four (24) hours-per-day service.

(f) **Authorizing Emergency Medical Services (EMS) Agency.** The local EMS Agency which approves utilization of specific EMS aircraft within its jurisdiction.

(g) **Auxiliary Rescue Aircraft.** A rescue aircraft which does not have a medical flight crew, or whose medical flight crew do not meet the minimum requirements established in §100283 of Title 22, Administrative Code of the State of California.

(h) **Basic Life Support (BLS).** Those procedures and skills contained in the EMT-I scope of practice as listed in §100063, Title 22, California Administrative Code.

(i) **Basic Life Support (BLS) Rescue Aircraft.** A rescue aircraft whose medical flight crew has at a minimum one (1) attendant certified as an EMT-IA, or an EMT-INA with at least eight (8) hours of hospital clinical training and whose field/clinical experience specified in §100074(c) of Title 22, California Administrative Code, is in the aeromedical transport of patients.

(j) **Board.** The Board of Supervisors of San Bernardino County.

(k) **Classifying EMS Agency.** The agency which categorized the EMS aircraft in accordance with §100.300(3)(e). This shall be the local EMS agency in the jurisdiction of origin except for aircraft operated by the California Highway Patrol, the California Department of Forestry or the California National Guard which shall be classified by the EMS Authority.

(l) **Department.** The Public Health Department of San Bernardino County.

(m) **Emergency Medical Services (EMS) Aircraft.** Any aircraft utilized for the purpose of prehospital emergency patient response and interfacility transport. EMS Aircraft includes air ambulances, ALS rescue aircraft, BLS rescue aircraft and auxiliary rescue aircraft.

(n) **Federal Aviation Administration (FAA).** The branch of Federal government that regulates the operation of aircraft.

(o) **Patient.** A sick, injured, wounded, invalid, expectant mother, convalescent, or otherwise incapacitated person.

(p) **Permittees.** Any EMS aircraft possessing a current permit granted by the Board to provide air ambulance service within the County.

(q) **Person.** Any individual, firm, corporation, partnership, association, agency, or group or combination acting as a unit.

Adopted Ordinance #3333 (1989);

### **31.072 Permits.**

(a) **REQUIRED.** It shall be unlawful for any person, either as owner, agency or otherwise, to operate, conduct, advertise or engage in or profess to be engaged in the business or service of the transportation of patients by aircraft within the County, except in conformance with a valid permit to do so issued by the Department.

(b) **EXCEPTIONS.**

(1) Aircraft operated as air ambulances at the request of local authorities during any "state of war emergency," duly proclaimed "state of emergency" or "local emergency," as defined in the California Emergency Services Act (Chapter 7 of Division I of Title 2 of the Government Code), as amended.

(2) Military Aircraft.

(3) Fixed wing aircraft utilized to transport patients to destinations in other counties or states.

(4) EMS aircraft based in neighboring counties, and the States of Arizona and Nevada, may provide emergency services within such adjacent border areas as may be designated by the County Health Officer subject to the following requirements that:

(A) The County Health Officer determines that the area to be serviced by such out-of-county EMS aircraft lacks adequate coverage by County-permitted EMS aircraft;

(B) Out-of-county EMS aircraft conform with the regulatory requirements for EMS aircraft of the jurisdiction out of which they operate;

(C) The operator of the out-of-county EMS aircraft enter into an agreement with the County, which describes the area to be serviced.

Adopted Ordinance #3333 (1989); Amended Ordinance #3373 (1990);

### **31.073 Permit Fees.**

Permit fees shall be those specified in Title 1, Division 6, Chapter 2, Section 16.0213A of the San Bernardino County Code.

All permits shall be issued to expire on June 30 of each year, and the annual fee therefore may be prorated on a quarterly basis for the first year. Permit fees may be waived by the Board of Supervisors if public need and necessity require it.

Adopted Ordinance #3333 (1989);

### **31.074 Application for a Permit or Renewal of a Permit.**

**PROCEDURE AND INFORMATION REQUIRED.** In order for the Department to issue a new or renew an existing permit, the applicant shall first file with the department an application in writing on a form to be furnished by the Department, which shall provide the following minimum information:

(a) Name and description of applicant;

(b) Business address and residence address of record of the applicant;

(c) Trade or firm name, or DBA as recorded;

(d) If a corporation, a joint venture or a partnership or limited partnership, the names of all partners, or the names of corporate officers, their permanent addresses and their percentage of participation in the business;

(e) A statement of facts for new applicants showing the past experience of the applicant in the operation of an air ambulance service and at what level, and that the applicant is qualified to render efficient 24-hour air ambulance service;

(f) A photocopy of the Part 135 Certificate issued by the FAA;

(g) The level or levels of service which applicant proposes to provide, and the aircraft classification as determined by the classifying EMS Agency;

(h) A statement in initial and renewal applications that the applicant owns or will have under his/her control required equipment to adequately conduct an air ambulance service which meet the requirements established by the

local EMS Agency, and that the applicant owns or has access to suitable and safe facilities for maintaining his/her EMS aircraft in a clean, sanitary and mechanically sound condition;

(l) A list for initial and renewal applications amended as required during the year for any changed, substituted, loaned, or leased EMS aircraft, giving a complete description of each EMS aircraft operated by the applicant, including the patient capacity thereof, and a photocopy of the aircraft registration;

(j) An affirmation for initial and renewal applications that each permitted EMS aircraft and its appurtenances conform to all applicable provisions of this chapter, and any other applicable state or local directives;

(k) A statement for renewal applications that the applicant employs sufficient medical personnel adequately trained and available to deliver services of the level specified. When an initial application is submitted, a statement that the applicant will employ sufficient medical personnel adequately trained and available to deliver EMS aircraft services at all times;

(l) A list amended as required during the year for any medical personnel changes, giving a description of the level of training and a copy of each certificate or license issued by the federal, state, county, or local EMS Agency establishing qualifications of such personnel in EMS aircraft operations. An initial applicant shall submit a list of medical personnel and their qualifications prior to attaining operational status;

(m) A proposed schedule of any rates to be charged by the permittee for EMS aircraft services;

(n) A statement in the initial application that shows to the satisfaction of the Department that the issuance of a permit is in the public interest and that there is a need for a permit to be issued, in that there is a requirement for EMS aircraft service that can be legally serviced by the applicant;

(o) A statement signed by the applicant that as a condition of the County's issuing a permit, applicant agrees to appear and defend all actions against the County arising out of the exercise of said permit, and shall indemnify, defend, and save the County, its officers, volunteers, employees and agents harmless from all claims, demands, actions, or causes of actions of every kind and description resulting directly or indirectly and arising out of, or in any way connected with exercise of this permit;

(p) A statement to the fact that the applicant is in total compliance with all air ambulance service regulations of the local EMS agency; and

(q) Such other facts or information as the Department may require.

Adopted Ordinance #3333 (1989);

### **31.075 Investigation by Health Officer.**

Upon receipt of a new application, the Health Officer shall conduct an investigation to determine if the public health, safety, welfare, convenience, and necessity require the granting of an original or additional permit and shall further determine if the applicant meets all requirements of this chapter. Upon completion of his investigation and within forty-five (45) days, the Health Officer shall issue a report, present a copy to the applicant, and request that a meeting of the Emergency Medical Care Committee (EMCC) be called within fourteen (14) days to consider that report and other testimony. After due deliberation the EMCC shall make its recommendation to the Health Officer. Within fourteen (14) days, the Health Officer shall advise the Board that a permit be granted or denied for the operating area. No permit shall be issued by the Health Officer until the Board of Supervisors has determined that the public health, safety, welfare, convenience, and necessity require the granting of such permit.

Adopted Ordinance #3333 (1989);

### **31.076 Issuance or Denial of Permit.**

(a) The Board of Supervisors may order the issuance of a permit to conduct an EMS aircraft service upon finding that the applicant has demonstrated that the public health, safety, welfare, convenience, and necessity require the availability of such EMS aircraft service and that the applicant meets all requirements of this chapter.

(b) The Board of Supervisors may order the denial or revocation of a permit if the applicant or any partner, officer, or director thereof:

(1) Was previously the holder of a permit issued under the ordinance which permit has been revoked or not reissued and the terms or conditions of the suspension have not been fulfilled or corrected;

(2) Is committing any act, which, if committed by any permittee, would be grounds for the suspension or revocation of a permit issued pursuant to this chapter;

(3) Has committed any act involving dishonesty, fraud, or deceit whereby another is injured or where the applicant has benefited;

(4) Has acted in the capacity of a permitted person or firm under this chapter without having a permit therefore;

(5) Has entered a plea of guilty to, or been found guilty of, or been convicted of a felony, or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment or conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction suspending the imposition of sentence,

or of a subsequent order under the provisions of §1203.4 of the Penal Code of the State of California allowing such person to withdraw his plea of guilt and to enter a plea of not guilty, or dismissing the accusation of information.

(c) **LIABILITY INSURANCE.**

(1) The permittee shall obtain and keep in force during the term of said permit comprehensive general liability insurance issued by a company authorized to do business in the State of California, insuring the owner, and also naming the County and the local EMS Agency as an additional insured of such aircraft against loss by reason of injury or damage that may result to persons or property. Said policy shall be in a sum determined annually by County Risk Management for personal injury to or death of any one person in any single accident; or destruction of property in any one accident. Workers Compensation insurance shall be carried covering all employees of the permit holder. Before the Health Officer shall issue a permit, certified copies of the policies and certificates evidencing such policies shall be filed with the Department. All policies shall contain a provision requiring a thirty (30) day notice be given to the Department prior to cancellation, modification, or reduction in limits. All policies shall be primary and noncontributory with any insurance held by the County.

(2) Public providers shall show evidence of liability protection in the form of copies of insurance policies, official action of their governing body or other legal documents evidencing a self-insured program.

Adopted Ordinance #3333 (1989);

**31.077 Content of Permit.**

The permit shall specify the dates of issuance and of expiration, the operating area(s) of the County within which the permittee may provide EMS aircraft service, the number of EMS aircraft to be used by the permittee, the level or levels of service to be provided and any special conditions regarding communication, equipment, personnel, or waiver of requirements deemed appropriate by the Health Officer.

Adopted Ordinance #3333 (1989);

**31.078 Amendment of Permits.**

Upon request by the permittee, the Health Officer may amend the conditions specified in a permit if he finds such changes in substantial compliance with the provisions of this chapter. Such amendment shall not affect the expiration date of the existing permit, nor shall it authorize a change in ownership from that specified in the original permit.

Adopted Ordinance #3333 (1989);

**31.079 Renewal of Permits.**

Permits shall be renewed annually by the Health Officer upon application of the permittee if the permittee proposes no substantial change in the content of the permit, and if the Health Officer determines that the permittee has during the period of the expiring permit operated in conformity with the provisions of this chapter and the rules and regulations of the Department, and that he/she is capable of continuing operation in conformity with the rules and regulations of the Department.

Adopted Ordinance #3333 (1989);

**31.0710 Suspension and Revocation of Permits.**

The Health Officer, after conducting a hearing pursuant to §§31.061-31.065, shall be empowered to suspend or revoke the permit issued under the provisions of this chapter to operate an EMS aircraft service when it has been found after investigation that the permittee or any partner, officer, or director:

(a) Violates any section of this chapter or the EMS Plan, or any rules or regulations that are promulgated by the Department or the local EMS Agency which relate to his or her permit activities;

(b) Is convicted of any felony;

(c) Is convicted of any misdemeanor involving moral turpitude;

(d) Is convicted of any offense relating to the use, sale, possession, or transportation of narcotics or habit-forming drugs;

(e) Commits any act involving dishonesty, fraud, or deceit whereby another is injured, or whereby the permittee has benefited;

(f) Has misrepresented a material fact in obtaining a permit, or is no longer adhering to the conditions specified in his or her permit;

(g) Aids or abets an unlicensed or uncertified person to evade the provisions of this chapter;

(h) Fails to make and keep records showing his or her transactions as a permittee, or fails to have such records available for inspection by the Health Officer or his duly authorized representative for a period of not less than three (3) years after completion of any transaction to which the records refer, or refuses to comply with a written request of the Health Officer to make such records available for inspection;

- (i) Accepts an emergency call when unable to provide the requested service or fails to inform the person requesting such service of any delay and fails to obtain the consent of such person before causing an EMS aircraft to respond from a location with a longer estimated time of arrival than the one to which the request was directed;
- (j) Fails to pay required fees or penalties;
- (k) If any of the managers of an EMS aircraft service are found after hearing to have acted in the manner set forth in subsections (a), (b), (c), (d) or (e) hereof, the EMS aircraft service shall not have its permit suspended or revoked unless it shall have failed, for more than fifteen (15) days after the completion of said hearing to have removed the manager or managers found to have so acted.

Adopted Ordinance #3333 (1989);

### **31.0711 Suspension, Conditional Operation, and Temporary Variance.**

In the event of any interruption of service of more than twenty-four (24) hours duration, or any substantial change in the EMS aircraft service, which causes, or threatens to cause, the EMS aircraft service to be carried out different from that specified in the current permit, the permittee shall notify the Health Officer immediately by telephone and in writing within five (5) days stating the facts of such change.

Upon request by the permittee, the Health Officer may grant a temporary variance in writing from the conditions specified in the original permit if he finds that such change is in substantial compliance with the provisions of this chapter. If the Health Officer finds that such change is not in substantial compliance with this chapter, he may suspend, revoke or amend the permit by written notice. No permit shall be transferred to another person except upon prior approval of the Board after timely review and report thereon by the Health Officer.

Adopted Ordinance #3333 (1989);

### **31.0712 Appeal Procedure.**

(a) If the renewal of a permit is denied by the Health Officer or if the Health Officer suspends or revokes a permit, the permittee shall be given written notice specifying the action taken, and the effective date thereof. Such notification shall be by registered or certified mail. The permittee shall, upon written request, be entitled to a hearing as provided in Title 3, Division 1, Chapter 6 of this Code (§§31.061-31.065). The permittee's request for a hearing shall be made within ten (10) days of receiving the notice of denial, revocation, or suspension. The permittee shall then be afforded a hearing prior to the effective date of denial, suspension, or revocation. When a permittee is, or becomes, unable to provide the required level of EMS aircraft service because of a lack of an EMS aircraft, insurance, or personnel to serve and such a lack or failure constitutes a substantial decrease in ability to provide the level of EMS aircraft service required by this chapter, then the suspension or revocation by the Health Officer shall be effective when notice of such is sent to the permittee. The hearing shall be held within seven (7) days of the suspension or revocation. The Health Officer may, after such hearing, affirm, modify, or set aside the original decision. The Health Officer shall notify all public safety agencies, county communications divisions, and all hospitals in the respective permit area if the permit renewal is denied or if a permit is suspended or revoked.

(b) If the Health Officer denies the renewal of or suspends or revokes a permit, the permittee shall have the right to demand a hearing by the Board of Supervisors. A request for a hearing shall be made in writing to the Clerk of the Board within twenty (20) calendar days following the denial, suspension, or revocation of the permit. Upon receipt of a written request, the Clerk of the Board shall set the matter for hearing as soon as reasonably possible but not more than sixty (60) days following receipt of the written request and give notice to the appellant and the Health Officer of the date set for the hearing. The hearing shall be conducted in accordance with the provisions of the County Administrative Hearing Process.

The decision of the Board of Supervisors upon any such appeal shall be final unless within thirty (30) days of mailing of written notice of such decision the permittee shall have filed an action with the Superior Court under the provisions of California Code of Civil Procedure §1094.5 for review pursuant to administrative mandamus.

Pending any appellate procedure herein provided, no change shall occur unless the Health Officer shall, in his discretion, determine that an emergency situation exists requiring the substitution of another emergency services provider on an interim basis.

Adopted Ordinance #3333 (1989);

### **31.0713 Service Requirements.**

Each air ambulance service shall maintain operational status on a continuous twenty-four (24) hours-per-day basis, excluding acts of nature, maintenance requirements, or labor disputes. If, for any reason, a permittee stops providing the prescribed level or levels of EMS aircraft service on a continuous twenty-four (24) hours-per-day basis, he or she shall immediately stop any advertisement of emergency services which have discontinued and immediately notify the Health Officer.

Adopted Ordinance #3333 (1989);

**31.0714 Communications Requirements.**

Each EMS aircraft service operating in the County shall establish and maintain radio contact with a central point designated by the County or the local EMS Agency and its local base of operation where technically feasible. Radio procedures prescribed by the County Communications Division shall be utilized.

Adopted Ordinance #3333 (1989);

**31.0715 Standards of Operation of an Emergency Medical Aircraft Service.**

Each EMS aircraft service shall operate in accordance with those standards and guidelines established by the local EMS Agency and the State of California Emergency Medical Service Authority.

Adopted Ordinance #3333 (1989);

**31.0716 Standards for Dispatch.**

EMS aircraft service shall operate in accordance with the policies established and approved by the local Emergency Medical Service Agency.

Adopted Ordinance #3333 (1989);

**31.0717 EMS Aircraft Safety and Emergency Equipment Requirements.**

EMS aircraft shall be maintained at all times in good mechanical repair according to FAA regulations and in a clean and sanitary condition.

(a) MINIMUM EQUIPMENT. All EMS aircraft shall be equipped with all safety and emergency equipment required for EMS aircraft by the Federal Aviation Administration and the local EMS Agency as the same are now written, or hereafter amended.

(b) MAINTENANCE OF EMERGENCY EQUIPMENT AND SUPPLIES. Dressings, bandaging, instruments, and other medical supplies used for care and treatment of patients shall be protected so they are suitable for use from a medical standpoint.

Adopted Ordinance #3333 (1989);

**31.0718 EMS Aircraft.**

All EMS aircraft personnel shall comply with all federal, state, county and local EMS agencies, policies, guidelines and regulations.

This section shall not apply during any "state of emergency" or "local emergency" as defined in the Government Code of the State of California.

Adopted Ordinance #3333 (1989);

**31.0719 Continuation of Call.**

An EMS aircraft based and properly licensed by another county shall be authorized to transport a patient to or through the County but shall not be authorized to transport patients originating in the County, except under the conditions of § 31.072 of the San Bernardino County Code. In order to maintain proper medical support, communications shall be maintained in accordance with local EMS policies. EMS aircraft shall establish and maintain communications with and medical control from a base station in conformance with the rules of the local EMS Agency.

Adopted Ordinance #3333 (1989);

**31.0720 Emergency and Disaster Operations.**

During any "state of war emergency," "state of emergency," or "local emergency," as defined in the California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the California Government Code), as amended, each permitted EMS aircraft service shall within reason provide equipment, facilities, and personnel as requested by the County Health Officer.

Adopted Ordinance #3333 (1989);

**31.0721 Mutual Aid Requirements.**

Whenever the County Health Officer or his designee determines that EMS aircraft resources within the County are inadequate to respond to a County emergency/disaster, a request for EMS aircraft mutual aid may be made to any county health officer or his designee within any county of the state or adjoining states. Whenever the County

Health Officer or his designee receives a request involving EMS aircraft mutual aid from any county health officer or his designee, such resources shall be provided as are available.

Adopted Ordinance #3333 (1989);

**31.0772 User Complaint Procedures.**

Any user or subscriber to an EMS aircraft service contending that he or she has received unsatisfactory service may file a written complaint with the Department setting forth such allegations. The Department shall notify the EMS aircraft service of the details of such complaint, and shall investigate the matter to determine the validity of the complaint. If the complaint is determined to be valid, the Department shall take reasonable and proper actions to secure compliance with the conditions of this chapter.

Adopted Ordinance #3333 (1989);

**31.0723 Enforcement Responsibilities.**

(a) The Department shall make all rules and regulations deemed necessary and reasonable, subject to the approval of the Board, covering EMS aircraft service operation, equipment, EMS aircraft, aircraft personnel and rates, and for the effective and reasonable administration of this chapter.

(b) The Department shall inspect the records, facilities, EMS aircraft, equipment, and methods of operation whenever such inspections are deemed necessary.

Adopted Ordinance #3333 (1989);